

MINUTES OF MEETING
BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Baytree Community Development District was held on Wednesday, December 8, 2021 at 1:30 p.m. at Isles of Baytree Clubhouse, 456 Glen Abbey Way, Melbourne, Florida.

Present and constituting a quorum were:

Melvin Mills	Chairman
Richard Brown	Vice Chairman
Richard Bosseler	Assistant Secretary
Carolyn Witcher	Assistant Secretary
Janice Hill	Assistant Secretary

Also present were:

Jason Showe	District Manager
Michael Pawelczyk	District Counsel
Peter Armans	District Engineer by phone
William Viasalyers	Field Manager
William McLeod	DSI Security
Sandy Schoonmaker	BCA
Joanne Wagner	Isles of Baytree
Residents	

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order at 1:30 p.m. and called the roll. The Pledge of Allegiance was recited. All Supervisors were present.

Mr. Mills: I'd like to make an announcement. I would like for all of us to have a moment of silence. Ms. Stephanie Knudsen, who was the President of the BCA, passed away four weeks ago. It was sad because basically six weeks from her diagnosis, she passed away, which is really bad. There was another gentleman who was very involved in Baytree over the years, Mr. John Finafrock. He was Chairman of the BCA and Chairman of the CDD. He passed away on November the 28th. If we could do a moment of silence and pray the way you'd like to pray, please do. Thank you very much.

SECOND ORDER OF BUSINESS

Organizational Matters

This item will be discussed later in the meeting.

THIRD ORDER OF BUSINESS

Engineer's Report

Mr. Mills: We're going to change our agenda just a little bit. We're going to have the Engineer's Report.

Mr. Showe: Peter is on the phone, I believe.

Mr. Armans: Yes, sir. We didn't have any projects or anything to report on, but I'm just letting you know that we have a site visit scheduled for Wednesday, January 12th. If you have any project that you want us to look at, in addition to what we're meeting there for, please let us know. Also, if you have any other questions for me, please let me know.

Mr. Mills: What about the speed humps on Balmoral Way?

Mr. Showe: I think that's something we can have him look at while he's here.

Mr. Brown: Because I thought at the last Board meeting, Jeremy, brought it up from the standpoint of what's going on back in the Phase 2 area of the community. There seems to be speeding on the upper part of Old Tramway Drive and Balmoral Way. I thought at the last meeting we said to maybe have the engineer come out and take a look at what he would recommend as far as from a safety standpoint for those two roads.

Mr. Showe: Yeah. We can add that when we meet out here to look at next year's lake bank project and try to capture all those things all at one time. So, if anything else comes up between now and then, definitely let us know.

Mr. Mills: He needs to look at the entire length of Balmoral Way.

Mr. Armans: Okay.

Mr. Mills: A gentleman that lives midway down, said something to me about controlling speed. Another thing that I had mentioned to you before, was to see if we can get the Sheriffs back in here again. People are running stop signs like you would not believe and some kid is going to get hit.

Mr. Showe: Yes. I'll definitely reach out, again. I would encourage all of the residents to do the same as well. The more pressure they get, the more they will respond to that.

Mr. Mills: Yeah.

Mr. Brown: Would it add more any clout if we, as a Board, sent a letter to the Sheriff?

Mr. Showe: In my experience, no.

Mr. Brown: Okay. If we send it to his bloodhound, would that do anything?

Mr. Showe: It might.

Mr. Armans: All the more reason to recognize that stop signs don't really affect speeding. The trouble with speeding is that stop signs really don't help that much.

Mr. Mills: It's more from a safety standpoint.

Mr. Showe: Correct. I'll reach out and see what we can get going.

Mr. Mills: Okay. Is there anything else for the District Engineer?

Mr. Showe: Alright, Peter, you can jump off.

Ms. Witcher: Have a Merry Christmas, Peter.

Mr. Armans: Have a great rest of the night. Merry Christmas to all of you and Happy New Year, since I won't see you until next year.

THIRD ORDER OF BUSINESS

Community Updates

A. Security

Mr. Mills: Bill?

Mr. McLeod: Yes, sir. Since our last meeting, we've had 11 visits from the administrative staff. We've been without a Field Supervisor, so it's been incumbent upon me, Mr. Rich Hunter and our new Operations Supervisor, Mr. John Thacker to do the visits out here, but we've kept it up. We hired a new Field Supervisor that will be coming out more towards the evening-time to check on the officers. It's been running really well. Right now, we have a lot of longevity with our officers. The good thing is that they are familiar with the community and there's been a lot of benefits to that. The bad side of it is their use of the community. They tend to get a little complacent. It's our job at that point to ensure that they are doing what they need to do to make sure people are doing the right thing coming in here. Right now, everything seems to be going very well.

Mr. Mills: There's only one thing that I've noticed, which I talked to Matt about. That's at night the guardhouse is dark. It looks as if there's no one in there at all.

Mr. McLeod: Okay.

Mr. Mills: Matt has told, Tom?

Mr. McLeod: Ralph.

Mr. Mills: The other night it was on. The light was on for two or three nights and then it was off again.

Mr. McLeod: Does the guardhouse have a dimmer in it now?

Mr. Viasalyers: We did, but we put that fan in and removed the dimmer switch. They have a 25-watt lamp. It's common.

Mr. McLeod: I'll make sure he has a light in there. I know that they don't like to put the overhead light on because it attracts bugs and it's a pain when you get them in that guardhouse. It's really aggravating. I will talk to Tom about it.

Mr. Mills: The sad part of it, is if you have a guest coming in and the guardhouse is dark, it appears that nobody is there.

Mr. Mills: Absolutely.

Mr. Mills: We have enough trouble with people ramming the gate as it is. We had a postal worker that ran through the residents' side and never stopped. They took the arm completely off.

Mr. McLeod: Was it actually the post office?

Mr. Showe: Yes, it was the post office. I had to physically mail them documentation. So, we are in the process of hopefully getting reimbursed.

Mr. McLeod: Was it on a Sunday?

Mr. Viasalyers: It was on a Thursday.

Mr. McLeod: The only reason I asked is because I know Amazon rents the US Post Office trucks once in a while.

Mr. Showe: This was a postal service truck.

Mr. McLeod: I saw the video. They didn't slow down. They went right through it.

Mr. Bosseler: We'll probably get that check in five years.

Mr. McLeod: It's in the mail.

Mr. Brown: The one thing that I do want to say is, the guardhouse is not a location for receiving packages for people in the community or people who live outside the community. Residents inside of the community bring packages to him. I've told Matt if another one comes in, just refuse it.

Mr. McLeod: I appreciate that because we can't assume that liability from our contract standpoint.

Mr. Mills: I agree. I said to Matt that if the person gets ugly, make sure they're on the camera and the audio is working fine.

Mr. McLeod: I appreciate the Board's help with everything regarding that. I'd like to reiterate once again, that at no time should we have any resident or guest approaching the guardhouse. You've all seen it. People fly through there, which is a recipe for disaster. You get somebody that trips on the edge. Even Matt tripped one time among the edges. It's not a good practice.

Mr. Mills: I agree.

Mr. McLeod: I appreciate all of your help.

Ms. Witcher: Are you answering the phone in the afternoon? I had a resident say to me that they called and nobody answered the phone. Is there a recorder anymore? We used to have a recorder.

Mr. McLeod: Sometimes they can't take the time to answer the phone if cars are backed up. If a person leaves a message, I know Matt is very good about returning phone calls or take down the information that's left on the voicemail and follow up, but I'm not sure about the other officers.

Ms. Witcher: They weren't getting the voicemail. They were calling and it was ringing and nobody was answering.

Mr. McLeod: Really? I'll check on that.

Ms. Witcher: Thanks.

Mr. McLeod: Was it recently or a few weeks back?

Ms. Witcher: I think it was a few weeks back.

Mr. McLeod: We had an issue for like a day or something like that, but it has been fixed since then.

Ms. Witcher: Somebody was coming that she was letting in and they couldn't get ahold of anybody.

Mr. McLeod: Sorry about that.

Ms. Witcher: That's okay.

Mr. McLeod: It seems to have been fixed since then.

Ms. Witcher: Okay.

Mr. Mills: Alright. Is there anything else for Bill?

Ms. Witcher: Thank you, Bill. Merry Christmas.

Mr. McLeod: Same here.

B. BCA

Mr. Mills: Who wants to give the BCA report?

Mr. Brown: I will, since I was the only one in the room besides Joanne and Sandy.

Ms. Sandy Schoonmaker (Berwick Way): It was a very long meeting.

Mr. Brown: It was a very, very, very long meeting. Rather than going to some of the specific things that made it a long meeting, the key things are that they did vote to provide the CDD with the \$33,000 for the playground equipment. Mrs. Curley, who lives in Kingswood is now the new Vice President of the BCA Board.

Mr. Bosseler: Mr. Curley is here.

Ms. Schoonmaker: That's her husband.

Mr. Brown: She has extensive background in other Homeowner Associations (HOAs). With Stephanie resigning from the Board and then unfortunately passing away, there's no one responsible from the BCA Board for the newsletter. So, the Board decided to see if they could find volunteers who were willing to work on a subcommittee, which would probably be about two or three people that might spread the work over a longer term to get the newsletter out. The holiday lights came up as part of their budget discussion. There was some sense that the holiday lights should not be a specific line-item expense on their budget. It should be more discretionary. I told them that's hard for us to do because I have to sign a contract with the company in January for next year. There is \$4,000 in their budget for next year. So, what I plan to do, is every November when they have their budget meeting, to plead our case for at least the \$4,000. I think it's something that we might want to put on the agenda for our next workshop. If they don't, what do we want to do? Their budget was approved. There were eight homeowners that were fined for not being in compliance with the By-Laws or Covenants, which was a very large number over the course of the last four or five years when they started to implement that. So, again, it all comes down to communication. If you get a letter from Fairway Management about your property not being compliant, don't brush it off. Communicate with them and they'll work with you night and day. They are very flexible, but when nobody talks to them, they just go through their process and then all of a sudden, you get a bill for \$25 a day times 21 days for not having

your sidewalk done for three weeks. I mentioned to one of the Board Members the other day, if someone had eight properties, that's \$25 a day or \$1,000. That \$1,000 could go towards the holiday lights. He didn't like that, but that's pretty much what Sandy did.

Ms. Schoonmaker: I thought it was a good idea that we had the Covenants, but we got 400 pages of paperwork and there really is no explicit statement of purpose or a mission statement. So, they are going to work on a mission statement. They were also debating whether we should put money towards social events. Hopefully, as part of the mission statement, we are going to support the community and the lights would be one of the things as well as the socialization. Then that would make those people that we were concerned about, feel more comfortable. I think that's probably the most important thing, in my opinion.

Mr. Brown: I agree.

Ms. Schoonmaker: Figure out what you have to do and then do it.

Mr. Mills: Sandy, do you know if Maria returned all of her stuff to Fairway? Because when I was Chairman of the BCA, we had a strategic planning meeting and a mission statement.

Ms. Schoonmaker: It probably exists somewhere, but no, I do not believe that the sharing of information went very smoothly between Maria and the current management. To be honest with you, even if it was, that was 10 to 15 years ago. We had a really good accountant. He was right on top of the money. I think the Board has a good group of people right now, so it's time to get new blood and ideas.

Mr. Mills: Alright. Is there anything else?

C. Isles of Baytree

Mr. Mills: Do we have report from Isles of Baytree (IOB).

Ms. Joanne Wagner (IOB): Thank you. I'm sitting here because I still have a back issue. Our budget was approved in October and we only had a \$5 increase in our quarterly fees, because our insurance doubled. I have a new Board Member now, Ms. Mary Tensile, who joined the Board in October. She is going to be working on getting the newsletter out for us because we only had three people and we haven't been able to do it. So, I'm going to get back to getting the newsletter out because I know with you guys, it makes a big difference. People can't come to our meetings and if they can't keep up with what's going on. The zoo fence is still a work in progress. It is done as far as straightening the whole thing. It was supposed to start getting pressure washed

today; however, when they came in to do it, they found out that they were going to have to pay \$900 to hook up power at the zoo plus a hookup charge. It's going to cost \$1,500 before they even start. So, now we are at standstill to try and find a company that has tanks on their trucks. We're working on trying to find a new company.

Mr. Mills: Jason, does Ken do it?

Ms. Wagner: No, he doesn't. He was approached first because he does all of our houses.

Mr. Mills: They don't charge him that much, do they?

Mr. Showe: For what?

Mr. Mills: For a hydrometer.

Ms. Wagner: He's got a tank.

Mr. Showe: We pay for it. It's normally about \$1,200.

Mr. Viasalyers: That's a lot.

Mr. Showe: It's \$1,200 for a temporary hydrometer. Then they charge you for the water.

So, then you get a bill for the water.

Mr. Mills: Ken has a big tank on the back of his truck.

Mr. Showe: But he fills it with your water.

Ms. Witcher: Ken doesn't bring his own water.

Ms. Wagner: No. Ken does not. When we had to do the front entrance, he paid the water bill of the first house because he used their water.

Ms. Witcher: Is there anybody along the fence that's willing to do that?

Ms. Wagner: To do what?

Ms. Witcher: To use their water and have him pay their water bill.

Ms. Wagner: It's possible, but it's a pretty big fence. It's 13,000 square feet and we have to clean both sides. Plus, we're going to do the zoo side as well. They've asked us to do the zoo side. It's our fence so we'll have to get it done.

Ms. Witcher: Can we make a donation to the Fire Department? Water is water. They wouldn't charge you to hook up to their fire hydrants. They would bring their own hoses.

Multiple voices speaking

Mr. Mills: Let's get back to order, please. Go ahead.

Ms. Wagner: Okay. We have homes for sale right now. We have one on the market on my street, Glen Abbey Way. As of Monday, its already under contract. So, for these houses, they

have a bidding war going on. One house sold for \$40,000 more than they were asking. They are going very fast. Since I changed the by-laws with the rental situation, we've gone from 14 rentals down to 6.

Mr. Brown: Wow.

Ms. Wagner: So, the people that put their houses on the market sold them. Now, when I get a house on the market, I make sure that I call that realtor and tell them, "*No investors. You cannot have these companies coming in here. You have to live in the house for one year before you can rent it.*" The Board will make an exception for a resident if it's a medical or a military reason, but we're not going to have these people. We have six businesses in here right now that are renting. There are usually problems with the renters. So, they get in there and get three and four and five people to move in plus cats and dogs. It becomes a nightmare to deal with.

Mr. Brown: Wow. It sounds like it's something that we can recommend to the BCA.

Ms. Wagner: Yeah, we are eliminating that. I don't know if everybody knows, but we have landscapers that come in and do the whole development in one day. So, at this time of year, I'm taking donations to give them a bonus. We usually have a very good turnout for that. We have 15 people that we give a big bonus to for what they do for us during the year. The majority of our residents like the speed humps. It's just the ones that are speeding that don't want them and are complaining to me. I talked to Mr. Joe Martin the other day and he told me if he's in his vehicle going to work or whatever, he sees people stopping. They are not running stop signs, but he has stopped numerous people. He tells them, "*If you do it again, I'm going to give me \$169 fine.*" So, he's trying to curtail that. The holiday lights are beautiful and everyone wants to thank you. They are just great.

Mr. Mills: Thank you.

FIFTH ORDER OF BUSINESS Consent Agenda

A. Approval of Minutes of the October 6, 2021 Meeting

Mr. Mills: Regarding the minutes, I have some changes that I haven't been able to get to Jason. They are not major changes. So, if we can go ahead and approve the minutes, I'd greatly appreciate it.

Mr. Showe: We can take a motion to approve the minutes as amended and I will make those changes.

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Minutes of the October 6, 2021 Meeting were approved as amended.

SIXTH ORDER OF BUSINESS

Agenda

A. Discussion of Recreation Area

i. Bocce Removal

Mr. Mills: We are going to move on to a discussion of the recreation area. The first item is the bocce ball removal?

Mr. Showe: It's done.

Mr. Viasalyers: I heard there was cornhole being played.

Mr. Mills: Yeah. It was. It was great.

Ms. Witcher: It looks good.

ii. Pickleball Court Proposal

Mr. Mills: Next is the pickle-ball court proposal.

Mr. Showe: Sure. We actually reached out to several companies to get a proposal. This was the only one that I was able to get a proposal from prior to the meeting. Also, in front of you is a mockup of the approximate size of the pickleball court. It will not fit any other way with where the pavilion is, but you could attach it to the fence. It saves you a little bit. When I went through their proposal, they proposed only 120 feet of fence because I think they used the long side. It will actually go 150 feet, so that fencing price will go up a little bit. I think more than anything, we just want to have a discussion on how far you wanted to go in this fiscal year. The proposal is approximately \$33,000. On top of that, they are adding \$2,000 if you want them to handle the permitting, which based on William's and my experience is probably a bargain, especially if you're trying to have the engineer or someone handle that process. So, you are looking at about \$35,000 or \$36,000. You will also need some electrical work to be done. If you want to mirror the same access that you have on the tennis court, there's obviously some equipment there too. So, in total, you're probably looking at around \$40,000, I would imagine. We're still getting quotes and we will bring some more back when we get them. As the Board asked, we wanted to have some discussion this evening.

Mr. Bosseler: I propose that we table this issue until we get the new playground in and then we'll do one step at a time.

Mr. Mills: I agree. Does anybody else have any comments?

Mr. Brown: Yeah, I do.

Mr. Mills: I knew that you would.

Mr. Brown: I don't have a problem with what Richard's saying, but it doesn't hurt to get another quote.

Mr. Showe: Absolutely.

Mr. Bosseler: Definitely.

Mr. Brown: It doesn't hurt to get a quote to do everything that we want to do, which would be a totally enclosed fence with card access. Because if we want to ask the BCA to also participate in the cost of this pickleball court, then we need to get our act together. I have to say that I got a little sense at the BCA meeting that they are a little bit hesitant to write a blank check. So, I think as a CDD, if we want to do this and maybe it won't be next year, but we need to put some money aside so we're picking up at least 50% to 60% of the cost of that amenity.

Mr. Mills: How many quotes did you solicit?

Mr. Showe: Four.

Mr. Mills: You got one?

Mr. Showe: I got one back.

Ms. Witcher: We also have to add in the lights too because we wanted extra lights.

Mr. Showe: Yeah.

Ms. Witcher: Because that wasn't in the quote.

Mr. Bosseler: Rick, do you have a feel of how much excess cash the BCA has?

Mr. Brown: Yeah, about \$80,000.

Mr. Bosseler: They need to understand that it's the entire community's money. It's not just BCA money.

Mr. Brown: You have a new Board and a Finance Director who was a major corporate Finance Director for Northrop Grumman. He's looking at it from 35,000 feet, which is his paradigm. I'm not saying anything against him, but basically they are saying when that money is gone, it's gone. So, what do we do? I was trying to convince him that your budget is \$95 per home times 461 homes, which is \$43,795. That's what you need to budget for. I said, "*You're not in it to make money.*" Jim alluded to the fact that Florida looks a little askance at HOAs that have a lot of money in reserves or in the bank. There was discussion about not charging \$95 a year for

the next couple of years. They don't want to do that because when you implement it, everybody is going to go ballistic. Like when we have to increase our assessment, everybody goes ballistic. So, I think if we decide to do this and we have the funds in our budget, we should kick in at least 60% to 70%. Yes, ma'am?

Ms. Jan Hill (Balmoral Way): I was the prior Treasurer for the BCA. When I was on the BCA, the BCA was threatened with a suit over a dog that bit somebody. As an aside, I believe that there needs to be at least a little money set aside to protect the Board if they get sued. I sit on other Boards and we actually have insurance that protects us. If somebody decides that the BCA is negligent, in whatever area, and decides to sue them, there needs to be some safeguard from those people.

Mr. Mills: Your point is well taken, but the reality is that the BCA owns no property. That dog incident didn't impact the BCA. It impacted the owner of the dog as opposed to anybody else. So that's the guy that needs to have the insurance, not the BCA

Ms. Hill: They were threatening the BCA based on our By-Laws and our attitudes about the dog.

Mr. Brown: That's why you have officers and directors' liability insurance.

Mr. Pawelczyk: The CDD does.

Mr. Brown: The BCA also has insurance.

Ms. Witcher: So, we don't need to worry about it.

Ms. Hill: Oh, okay.

Ms. Wagner: So, what Janice is saying, is they set a limit of \$20,000. They were going to always keep at least \$20,000.

Mr. Mills: As a reserve.

Ms. Hill: You need a little cushion to cover folks that are willing to put themselves out there for you.

Mr. Pawelczyk: I think the other thing that you might want to look at, without giving legal advice to the BCA, is in 2008, when we had the crash, people stopped paying their HOA fees. Not as much here as in Miami-Dade County and Broward County, but that cushion would help get you to the next year as your lawyer tries to collect this money, which as you know is not easy for us to get.

Mr. Brown: No.

Ms. Hill: Just err on the side of caution.

Mr. Mills: Alright. Let's move along.

Mr. Bosseler: Okay.

iii. Bathroom Renovations

Mr. Mills: Rich, do you have an update on the bathroom renovations?

Mr. Viasalyers: I will take that. We are still waiting on getting the proposals for the partition. I know that we are working on getting numbers together for the flooring. We have to meet with them. We did get the shelves put up in the Ladies' Room. We worked on getting the entire front pressure washed around the pool and then we painted that area in front of the bathrooms recently.

Mr. Bosseler: William, did you find a company that can replace the divider walls and the doors?

Mr. Viasalyers: Yeah, I have one, but I'm waiting on the numbers to come back from a guy that we used at another property and they did a really good job.

Mr. Bosseler: Good.

Mr. Mills: We had a toilet clogged up again as a result of a sanitary napkin being put into the toilet. Do we have a sign that says, "*Please deposit?*"

Mr. Viasalyers: We do. Last year we put those in there.

Ms. Witcher: They don't care. They do it anyway.

Mr. Mills: I know. It is like going through stop signs. Very good. Do you have anything else, Rich on the bathroom renovations?

Mr. Bosseler: No.

iv. Pool Deck Resurfacing

Mr. Mills: Next is the pool deck remodeling.

Mr. Viasalyers: I'm still working on getting quotes for that as well.

Mr. Mills: Okay.

Ms. Witcher: Are they not answering?

Mr. Viasalyers: Some say that they are going to come out, but they don't show up.

Ms. Witcher: They don't have any employees.

Mr. Showe: It is very difficult to get vendors to show up and give us quotes. It is like pulling teeth right now.

Mr. Brown: Everybody is busy. That's the issue.

Ms. Witcher: So, some of this stuff might have to wait.

SEVENTH ORDER OF BUSINESS

CDD Action Items/Staff Reports

A. CDD Action Items

Mr. Mills: Moving along, we have the CDD action items.

Mr. Showe: I can go through these pretty quick. The lake bank repair for 2021 is complete. We just talked about the recreation area improvements. Regarding the beautification funds, I think you're still looking at doing improvements to the rear gate, Mel.

Mr. Mills: Yes.

Mr. Showe: Okay.

Ms. Witcher: Did you get quotes?

Mr. Mills: For?

Ms. Witcher: One time you talked about having them replaced because they are old.

Mr. Mills: I think it was Rich who mentioned it.

Mr. Brown: To replace what?

Mr. Mills: The gates.

Ms. Witcher: The gates in the back. You said that they were old and coming apart.

Mr. Bosseler: I think we going to put that on our agenda for the January workshop to look at capital going forward.

Ms. Witcher: Okay.

Mr. Showe: I'm going to add the pickleball court as well as those other items to the action items list going forward.

Mr. Mills: As far as the beautification goes, I'm going to probably use most of my money cleaning up the edges of the preserves. They don't look that nice. So, we're going to try and get those cleaned up.

Ms. Witcher: Have any laws changed that we're allowed to do more than we have been?

Mr. Mills: No, but it is encroaching on our property and that's the issue. A lot of it is hanging over. They will trim up so far and stop. They won't go the entire way up.

Mr. Showe: They will typically let you get about a foot or two in just for purposes of keeping it back, but when you go a little further than that, you are then impinging on the vegetation.

Mr. Mills: Yeah.

Ms. Witcher: So, twice a year rather than once if we can't cut it back enough.

Mr. Mills: Once a year is enough.

Mr. Showe: Yeah.

Mr. Bosseler: Mel, on the back gate, I know you wanted to do something. Are you going to clean-up that landscaping because a lot of the landscaping now goes into the sidewalk?

Mr. Mills: Yes, in fact, we've deferred that until next year's budget.

Mr. Bosseler: I don't think we should rip it out. There are good plants in there. I just think it needs to be trimmed back.

Mr. Viasalyers: Most of it was recently trimmed. There were grasses and things like that. We trimmed it about two weeks ago.

Ms. Hill: At the front gate, when I ride my bike, the Palms are halfway across the side of that gate.

Mr. Viasalyers: I'll make a note of that.

Mr. Mills: At the rear gate?

Ms. Hill: On the front gate, they got inside the guardhouse.

Mr. Mills: Really?

Ms. Hill: Yeah.

Mr. Mills: We have also been having issues with them having personnel. It is the same situation.

B. Additional Staff Reports

i. Attorney

Mr. Mills: Okay, are there any additional Staff Reports?

Mr. Pawelczyk: I have nothing further.

Mr. Mills: Thanks for joining us and coming all the way up here.

Mr. Pawelczyk: It's my pleasure actually. For the record, my daughter is graduating from college on Friday. We were supposed to drive up tomorrow. So, rather than drive up here, drive

back and leave, my wife and my other daughter came up with me and we're staying at a local hotel here. Also, my son is engaged as of yesterday, so we're full of good news in the Pawelczyk house. Hopefully, it stays that way. Things are looking up.

Mr. Mills: Congrats.

ii. District Manager

1. Field Manager's Report

Mr. Mills: Next we will have the Field Manager's Report.

Mr. Viasalyers: Yes. We did replace the bike rack by the dog parking recently. We pressure washed all of the lounges around the pool area and got all of the fencing painted. I believe that they are still working on the hydraulic closure for that back gate. That should be done anytime now. We also have some internet issues. We have to replace the GFI. We are working on that. That's pretty much it unless there's something I'm forgetting.

Mr. Mills: Is anybody here from Balmoral or Southpoint? They forgot the monument for three years in a row.

Mr. Viasalyers: It was taken care of.

Ms. Witcher: What about the playground? When is it going to be ready?

Mr. Viasalyers: We've waiting for parts. They should be here in February.

Mr. Showe: There is a delay in the shipping of the parts. We have the same issue with another swing set that we put in. It's taking 60 to 90 days.

Ms. Witcher: Is it on a boat?

Mr. Showe: Somewhere.

Mr. Brown: It is all American made. That's what he said.

Ms. Witcher: If it was all American made, where is it? Wasn't that part of the bid? That's why we picked him.

Mr. Mills: It's coming from California. Did you get a roller pad for the guard shack?

Mr. Viasalyers: Not yet, because I was waiting until it needed to be replaced

Mr. Mills: Well, he wants to be done before he replaces the floor.

Mr. Viasalyers: Okay. I'll get on it.

Mr. Mills: There's no use to replace the floor and not have the mat.

Mr. Viasalyers: I understand. I will get it taken care of.

Mr. Mills: Alright. Anything else, William?

Mr. Viasalyers: Not unless the Board has any questions for me.

Mr. Bosseler: Did we get the mat for the Ladies Room?

Mr. Viasalyers: There was nothing in stock when I went to Home Depot, so, I'm still waiting for that to come in. Hopefully, that should be in the next week.

Ms. Witcher: What about the one for the tennis court?

Mr. Viasalyers: I went to replace them and I accidentally got one that was too big. I got it taken down. I will get the right size and it will be done this week, probably tomorrow afternoon or Friday afternoon.

Ms. Witcher: Okay, thanks. I went by there and the tattered thing was still hanging there.

Mr. Viasalyers: It's gone.

Ms. Witcher: Okay.

. Mr. Mills: Alright. Let's move to the Treasurer's Report.

SEVENTH ORDER OF BUSINESS

Treasurer's Report

A. Consideration of Check Register

Mr. Showe: We have the Check Register. In your General Fund, we have Checks 254 through 290 for \$132,898.02 and October and November payroll for \$1,662.30 for a total of a \$134,560.32. Both William and I can answer any questions on those invoices, should the Board have any.

Mr. Brown: I was shocked that the insurance premium went up 36%. The other thing that bothers me a lot, and I know we probably can't do anything about it, but ACT who comes in and repairs the gates in the front and the back, submitted one invoice for \$280 to replace a \$22 part. I know we tried to get a local company, but they didn't do what they were supposed to do. I just find a \$150 travel fee and a \$110 labor fee to put in a \$22 part a little bit much.

Mr. Viasalyers: That goes back to the discussion at the workshop with getting the gates replaced because of the amount we are spending every month.

Mr. Brown: That's a good point. We have to replace those things because they are 20 years old.

Mr. Showe: They went in about the same time I got out here, which was in 2007. When we put the transponder system in, we put all new operators in, but it's been 14 to 15 years.

Mr. Brown: Yup.

Mr. Showe: They open 2,000 to 3,000 times a day.

Mr. Brown: When I saw that I said, "*Oh, my gosh.*"

Mr. Viasalyers: I'm doing my best to fix what I can.

Mr. Brown: I understand. I'm not complaining, but just from a fiscal responsibility, who wants to pay \$280 for a \$22 part?

Mr. Mills: That's the name of the game today, unfortunately.

Mr. Showe: Like I said, at some point, we hope to get reimbursed from the post office for breaking the \$1,800 LED arm.

Ms. Witcher: If we ever get to do it, we need to put up an extra strong one. No plastic parts.

Mr. Showe: There are no plastic parts on them. We use nylon nuts, which typically break off and actually reduces your costs. In this case, he literally snapped the arm in half when he drove right through it.

Resident (Not Identified): He did not stop?

Ms. Witcher: Oh no.

Mr. Showe: We have video.

Mr. Brown: He didn't slow down or even stop. The gate just went flying.

Mr. Mills: The only thing mechanical with those gates is the motor, the transmission that drives the gate.

Mr. Viasalyers: The motherboard.

Mr. Mills: The motherboard and the belts. What's going to be replaced if it's new, the motherboard?

Mr. Viasalyers: You will need an all-new gate arm. All of the equipment would be upgraded. The transponder system will be upgraded. All of the loop senses will be upgraded.

Mr. Brown: You'll get a better computer, so when it breaks down, it will only cost you \$5,000 to fix.

Mr. Showe: There you go.

Resident (Not Identified): What is the cost of a new gate?

Mr. Viasalyers: We need to get a revised quote. Last time it was pretty expensive.

Mr. Showe: Originally, they were \$40,000.

Mr. Brown: If anything, it went up.

Mr. Viasalyers: That was quoted in January of this year.

Mr. Brown: That's my editorial.

Mr. Mills: When that system was put in, the total cost was \$65,000 or \$70,000?

Mr. Showe: Yeah.

Mr. Mills: It wasn't cheap.

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor the Check Register for September 29, 2021 to November 30, 2021 in the amount of \$134,560.32 was approved.

B. Balance Sheet and Income Statement

Mr. Showe: Next is the Balance Sheet and Income Statement. No action is required by the Board. It's only for one month, so it's a little hard to get a new trend, but for the most part, obviously outside of the insurance, it's pretty much falling in line with what we expect.

Mr. Mills: Okay.

Ms. Witcher: Do we need to increase the budget for the insurance and other items?

Mr. Showe: You can't really increase the budget now, but next year we'll have to look at it. We also have new equipment for the playground. So that will get added in. If you add a pickleball court, that also gets added in. All of these things cost money to insure. We saw major premium increases for all of our Districts so, I don't want you to think that it's an unusual thing.

Mr. Brown: No, it's going up.

Mr. Showe: Unfortunately, its District-wide.

Mr. Mills: We can't amend the budget.

Mr. Showe: Correct.

Mr. Jerry Darby: Hey Jason, how did the District do last year relative to the budget?

Mr. Showe: I think we came in under budget last year. We had some funding leftover.

Mr. Mills: Jason, what is your recommendation now? Do you want to have audience comments before we go into Organizational Matters?

Mr. Showe: That's up to you guys.

Mr. Brown: Let's go to Supervisor's Requests.

Mr. Mills: Okay.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Brown: Rich?

Mr. Bosseler: None.

Mr. Mills: Okay. Rick?

Mr. Brown: No.

Mr. Mills: Carolyn?

Ms. Witcher: Nothing at this time.

Mr. Mills: Alright. I've got several, of course. William and I had a phone call from a Suntree neighbor. Unfortunately, they cut back into the preserve really far and there's a lot of dead wood. She wants us to remove it. I told her, by law, we cannot remove it because it's a conservation area. She wants to know whose liability it would be, should it catch on fire.

Mr. Pawelczyk: The arsonists.

Mr. Viasalyers: There's no liability if it was an act of God or something.

Mr. Pawelczyk: Nobody's liable?

Mr. Bosseler: Did he cut it down?

Mr. Mills: She. Unfortunately, there was an Oak tree that I couldn't put my arms around that was also cut down.

Mr. Pawelczyk: There's nothing that the CDD could do.

Mr. Brown: Where does she come off cutting it down and telling us that we've got to remove it?

Mr. Pawelczyk: We won't remove it.

Ms. Witcher: Lets tell the county and let them worry about it.

Mr. Mills: The tree that was cut down was removed. She wants the dead wood in the preserve taken out.

Mr. Viasalyers: Its only dead vegetation.

Mr. Mills: Yes.

Mr. Bosseler: Did she have permission to take that down?

Mr. Mills: No.

Mr. Bosseler: From Brevard County?

Mr. Mills: Not to my knowledge. It was our tree.

Ms. Witcher: Then shouldn't we notify the county so that they can talk to this lady?

Mr. Viasalyers: It wasn't an Oak tree. It was a Maple tree.

Mr. Brown: It's still a hardwood.

Ms. Witcher: It was in the preserve.

Mr. Mills: We've got to be very careful because if we get St. John's involved, it could even go further. Do we want that on our hands?

Ms. Witcher: Well, if she's not going to stop, do you think she's going to stop the next time she wants to take something out?

Mr. Mills: Carolyn, that's not the point. The point is if we get St. John's to come over here, it won't be just for her. They will go through our entire community and see if anybody has infringed on the conservation areas. I don't want that on my hands as a Board Member.

Mr. Pawelczyk: I know we have maintenance responsibilities out there. Do we maintain the exotics out there or no?

Mr. Showe: We're permitted to remove nuisances, but we don't always do that. You can spend the entire budget to do that.

Mr. Pawelczyk: They can come in and say, "*You need to implement an exotic removal program because you have three Florida Holly trees or bushes,*" or whatever they are called, which is an awful invasive exotic. They are going to say, "*You need to start a removal program.*"

Mr. Mills: Well, that one tree we put down was \$4,000. It was an evasive tree. That's just one.

Mr. Pawelczyk: I would have to look at the easement to see what the regs are in terms of what you can remove, but typically they just let it decompose on its own.

Mr. Showe: Yes.

Mr. Mills: That's what it's doing.

Mr. Brown: Do we as a government entity, have any responsibility for maintaining a preserve?

Mr. Pawelczyk: It depends on what the easement for the Declaration of Covenants finds.

Mr. Brown: Is there a government agency that will decide whether we did what we should have done or not?

Mr. Pawelczyk: The St. John's River Water Management District (SJRWMD) is probably the one that makes that decision, but it depends on what the Declaration of Covenants says as to

who oversees it; whether it's SJRWMD or the county. I just don't know. We need to look into it to see which one it is.

Mr. Brown: I'm not looking to start a war, but from where I come from, it doesn't hurt to have a sit-down meeting with the SJRWMD to get an understanding of where they're coming from as to what they're looking for, for maintenance of a preserve.

Mr. Mills: They're not going to be like the county and sit down with us and listen in my opinion.

Mr. Pawelczyk: I think it depends on how they are approached.

Mr. Showe: I agree.

Mr. Pawelczyk: The SJRWMD is like any municipality or any county. They just want compliance. That's all they care about. They don't want to inspect your property. They don't want to write citations. They don't want to impose fines. Because it costs more money to impose a fine and try to collect it, than to actually work with people to get compliance. So, in terms of that, maybe we can look at what's going on with this particular parcel, what the easement says and what are the covenants say? Then we can approach them and say, "*Look, we've had some issues. How do you think we should handle this?*" I think if you're proactive, most local government entities are going to come in and say, "*Okay, the Board has said we need to address these issues because we have residents complaining.*" We can't really control when a resident goes and cuts back behind their house because we can't monitor them. What do you want us to do, put cameras back there on the preserve area? The answer's no. So, that might be a way to just approach it and try to get some education, not just on our end, but so we can educate the residents.

Mr. Mills: Would you look at that and have some information for the workshop in January?

Mr. Pawelczyk: I absolutely can. That's not a problem.

Mr. Brown: I would rather be proactive than reactive.

Mr. Pawelczyk: I agree.

Mr. Showe: Yeah, I think that approach is much better than saying, "*Hey, we've had an issue at this address and this is our concern, and this is what happened.*" Because then you may have opened it up.

Mr. Brown: Right. I agree.

Ms. Witcher: I think it's a good idea.

Mr. Pawelczyk: Certainly, anybody in the audience can turn this person in, but if they were to do that, then they open a case. When they open the case, we're brought into the case because we're responsible for maintaining it even though we didn't do it. Then we'd probably have to go bring in the violator who actually cut the tree down. It's just a costly bureaucratic administrative hearing nightmare. So, it's better to be proactive and see if we can get a handle on what we need to do out there. Maybe it will result in some education of the public.

Mr. Mills: Good point.

Mr. Brown: I would agree.

Ms. Witcher: Could we bring somebody in to talk to us about this as a group?

Mr. Pawelczyk: I think we need to find out what's going on first. You guys can talk about it in January.

Mr. Brown: We always had that option.

Mr. Pawelczyk: Jason and I will work to identify this particular property owner.

Mr. Mills: Another issue is we have to get on top of sidewalks that are raised. I'm sure everybody saw in the newspaper that one District, Grand Haven, was fined almost \$1 million.

Mr. Viasalyers: It couldn't have been a District.

Mr. Brown: We can't be sued for more than \$100,000.

Mr. Showe: Correct.

Mr. Brown: We have sovereign immunity.

Mr. Pawelczyk: Yes. We're only liable up to a certain amount per incident under sovereign immunity. Grand Haven is a CDD though, isn't it?

Mr. Mills: It is. That's why I brought it up.

Mr. Pawelczyk: Well, the jury might have brought that back, but they're only allowed to impose liability against the District up to the sovereign immunity limits, which I think is \$250,000 or \$300,000.

Mr. Showe: They found that the HOA failed to adequately maintain it.

Mr. Pawelczyk: Right. The HOA probably has a \$1 million policy limit. So, I would guess that they impose the policy limit, but Mell's absolutely right, you have a duty to maintain your sidewalks. If you don't maintain your sidewalks and you completely ignore it, the one way around sovereign immunity is by having a Claims Bill, but they are not easy to get. If someone trips on a sidewalk, it's highly unlikely that the legislature is going to approve a Claims Bill for

\$1 million against the CDD for someone who tripped on a sidewalk. Usually, it's for more egregious violations like police brutality, but that doesn't mean we shouldn't be maintaining it. I have other Districts and Jason does too. I really think you guys have a good program on monitoring this with regular inspections. You have an active community who tells us where they are. We put them on a list and mark them off. I think you paint them.

Mr. Brown: We do.

Mr. Pawelczyk: You shave the ones you can shave and the other ones are in your replacement program. So, in that respect, you're doing all that you can.

Mr. Mills: Where are we with the "*No Fishing*" signs?

Mr. Viasalyers: Those are still in the process of being made.

Mr. Mills: Do you have a timeline?

Mr. Viasalyers: I've got to contact Fast Signs to find out where they are at.

Mr. Mills: Okay. I've noticed that a lot of the lakes do not have "*No Fishing*" signs anymore.

Mr. Brown: It doesn't matter. They still fish.

Mr. Mills: It doesn't mean that we shouldn't put them up.

Mr. Brown: Just make sure they follow the BCA signage.

Mr. Mills: We've got to meet with Mike on putting lily pads in the ponds to see what he recommends.

Mr. Viasalyers: Which pond?

Mr. Mills: We discussed this at the workshop and at the last meeting.

Mr. Viasalyers: I don't recall discussing lily pads.

Mr. Mills: It's in the minutes. You and I were supposed to meet with Mike.

Mr. Viasalyers: I'm not saying we didn't. I'm just saying I don't remember.

Resident (Sandy Schoonmaker, Berwick Way): Excuse me. I live on the lake and I would be opposed to putting lily pads into the lakes. We're very happy with our lake like it is. All you have to do is drive down Interlochen Road, turn right, go off the back and look at the lily pads. It's disgusting. You do not want to put lily pads in my pond.

Mr. Viasalyers: I don't have any notes. What was the discussion again? I'm sorry.

Mr. Mills: I brought up the point about looking at putting lily pads to help reduce algae in the lakes.

Mr. Viasalyers: Most of the time residents will disagree with that.

Mr. Mills: Okay.

Mr. Viasalyers: Because they are invasive. They just take over the whole lake surface.

Ms. Schoonmaker: Yeah. They do.

Mr. Mills: Alright.

Mr. Viasalyers: We can get an official answer from Mike. I'll put a note as a reminder.

Mr. Mills: There's only one request. The guards have been doing a good job. I would like for all residents and the Voting Members (VM's) to request that the VM's acknowledge the guards by giving them a gift for Christmas. Maybe you can do this, Sandy. Linda and I always give Matt and the guards a gift certificate to Publix.

Resident (Sandy Schoonmaker, Berwick Way): Why don't I put it in there that the Board recommends that all residents put the guards on their list of people that they give gratuities to.

Mr. Mills: Perfect. If they so choose.

Ms. Schoonmaker: Yes. Exactly.

Resident (Not Identified): How are you going to manage that? The guards are different at different times of the day.

Mr. Mills: We are down to about five guards now because we have to have 24/7 coverage. We pretty much have it down now to the same people doing the same shifts.

Resident (Not Identified): I don't know any of those guards.

Mr. Brown: That's okay.

Ms. Schoonmaker: Are there five?

Mr. Mills: About five or six. Yeah.

Ms. Schoonmaker: The question is how do you determine which one gets the bonus or do they put it in a common pool and split it amongst them?

Mr. Brown: That's a good point.

Ms. Witcher: We should've asked security.

Mr. Mills: Let them determine what they want to do with it.

Mr. Brown: Exactly.

Ms. Schoonmaker: I think it's helpful to know how many guards there are.

Mr. Brown: Well, I get the security reports every day like Jerry used to. Basically, Monday through Friday, we have the same three people. On weekends, if somebody wants to

work a little bit extra then it's one of those three, but I have never seen more than five names on a weekly report of seven days times three shifts.

Ms. Schoonmaker: I'll just put that in there. It's up to the security company to do what they want to do. Right?

Mr. Mills: Yup.

Ms. Schoonmaker: They might have a favorite one that they want to give a bonus to.

Mr. Brown: That's true.

Mr. Mills: If I go to the guard shack tomorrow and say to Matt, *"We said at the meeting, if gifts start to come in, you are the supervisor and you need to decide how you want to divvy that up."*

Ms. Schoonmaker: Okay. That's a good idea.

Mr. Brown: I think Matt's got the personality and the characteristics, so he's not going to take it all for himself and say, *"Thank you very much, and have a nice night."* I think he's fair-minded.

Ms. Schoonmaker: I might suggest that you put something in the policy.

Mr. Brown: Right. I feel very comfortable with the quality of the guards that we have now. I think they interact very well, even with the belligerent people, and now, thank God, we have the ability to video and audio those that really want to get good, bad, or ugly. We will go from there, but I think they've done a great job.

Ms. Hill: Sometimes we individually just give them money.

Mr. Brown: If they want to do what they have always done in the past, don't change it.

Ms. Hill: I personally give them money.

Mr. Brown: Yeah, I do too. If it isn't broke, don't fix it.

Ms. Hill: Okay.

Mr. Brown: But I think what Sandy is saying is that in her summary of what has been discussed, this is what we've asked. Nobody has to do it. It's just a request.

Mr. Mills: Personally, I think it's tough to put all this on Matt. I think that's really putting him in a position that I wouldn't want to be put in.

Mr. Brown: Well, he's the supervisor. That's what he's paid for.

Mr. Mills: If I want to give a bonus to Matt and not to Ralph or Tom, that's my business.

Mr. Showe: The residents can label it. If it's for guards, it'll say, "*Guards.*" If it's for Matt, it will just say "*Matt.*"

Mr. Mills: That's why he gets the big bucks.

TENTH ORDER OF BUSINESS

Public Comment Period

Mr. Mills: At this time, we are going to take public comments.

Mr. Ron Atkins (Sandhurst Drive): Good evening. I have lived here for over 22 years now. I'm here tonight before the Board seeking to address your agreements. Since this is on record, first and foremost, I've never given permission to do that, either formally or in writing to GMS, American Shoreline Restorations and/or ECOR to enter my property. There have been a couple of recent instances where William had to come out. He asked that the landscaper to come out and I gave oral permission for that. Otherwise, I have not given any approval to cross my property or access my property. In the last several weeks, American Shoreline Restoration has been working on Lake 2 and workers have crossed my property multiple times without my approval. They are bringing personnel and heavy machinery, accessing the lake from the corner of Sandhurst Drive and Bradwick Way, which is where I live. They managed to cross my east yard, my south yard, my north yard and my west yard. On November 17th, while they were towing over 2,000 pounds of sod across my property, they caused damage. When I called GMS, Jason and I discussed this issue. My takeaway from Jason was, "*They have to access the lakeside.*" They are trespassing. It has been multiple times. Jason sent an email to ECOR and GMS on November 18th. I believed he copied Mel and some others on that. The email stated that they were not to cross our property, subsequent to that, they did it again. Another issue is, and Lynn and I expected this, there's the grading on the west side.

Mr. Viasalyers: They're going to come out and fix that.

Mr. Atkins: Okay.

Mr. Viasalyers: Hopefully they don't cross your yard again, but if they did, we would replace that again.

Mr. Atkins: Thank you. Even as of tonight the damage has not yet been repaired.

Mr. Viasalyers: I tried to call you on Friday and there was no voicemail and I didn't get a callback to let you know that I wasn't going to make it on Friday. I should have followed up and

I apologize for that, but I'm trying to re-schedule. I don't want them to show up and come into your yard.

Mr. Atkins: So, that's an issue. I have seen American Shoreline Restoration workers crossing other properties after I finally almost got them to stop. I don't know if they have permission or not. What I'd like to do is make a recommendation to the Board tonight that in any future subcontracts issued by GMS, they should attain written approval from Baytree residents to enter or cross their property. I believe that any existing contract should be modified to include that same language. Right now, it's too easy for American Shoreline Restoration to claim that they have oral approval when none was ever sought. The one incident where they were towing across my property, I had to physically step in front of them to stop them.

Mr. Mills: Well, I certainly appreciate your recommendations and quite honestly, I wouldn't want them going across my property without permission either. So, I think we need to seriously look at how we address this in the future with regard to making sure the resident knows what day they are going to come and it's okay for them. Like he says, it needs to be in writing that we've gotten permission.

Mr. Viasalyers: We were discussing that before the meeting. We're going to start meeting with the vendor to go out there.

Mr. Brown: Is that the only access we have to Lake 2 to do the restoration?

Mr. Showe: Frankly, when you look at the map of the community, we have very little access to any of the lakes we have to maintain.

Mr. Brown: Right.

Mr. Showe: Mr. Atkins is 100% correct and I apologize again. I honestly failed to meet with him.

Mr. Brown: Well, my next question to you, Mr. Atkins, is if everything that you've asked for is done, are you amenable to having whoever we hire to do the lake bank restorations access the lake through your property?

Mr. Atkins: No.

Mr. Brown: So, then, my next question is, when the lakefront finally starts eroding the land towards your home, you're not going to come back here and tell us that we need to do something to restore the lake?

Mr. Atkins: Access to the lake unfortunately is not my problem.

Mr. Brown: If we can't get there, we can't restore it.

Mr. Atkins: My understanding is that the northwest end of Lake 2 is accessed across the golf course, which has been used by ECOR for many, many years.

Mr. Bosseler: Are you at the end of the cul-de-sac?

Mr. Atkins: Can I show you where we're at?

Mr. Bosseler: Yes, please. It would help us understand a little bit better.

Mr. Atkins: We're at the corner of Sandhurst and Bradwick Way.

Mr. Mills: He's the second house on the left.

Mr. Brown: If we can't access the lake, what is our recourse?

Mr. Showe: I think our recourse is actually what Mr. Atkins suggested that they only do the lake bank restoration about once a year. So, we've got plenty of time before we go to our next project to plan it out. William and I are already discussing, based on this feedback, that we're going to meet with the vendors specifically and make him show us where we're getting access. We are going to reach out to those residents where he needs access and we will get signed documentation from them allowing permission and also acknowledging that the District will correct any issues created through that access.

Ms. Witcher: Can we also put some yellow strips up so the lake bank people know that this is the place you go and this is the only place.

Mr. Showe: That's a great suggestion. I know that sometimes Bill and I have a conversation about what's supposed to happen. He sends the guys out and they don't always get that communication, but that's a good idea.

Ms. Witcher: Not just that, but I mean on the property so that the homeowner knows this is where they're going to come and go.

Mr. Showe: We can put some flags out that would hopefully help indicate where they can go. We will let the homeowners know before that access is created.

Ms. Witcher: Put it in writing though.

Mr. Showe: Absolutely.

Mr. Brown: How flexible are you relative to a timeline? If we go by what you're requesting and we send you a note that XYZ company wants to access the lake on January 25th at such and such a time, are you amenable to be flexible as to the dates that they can access your property? Because we are now dealing with a company that we have dealt with for six or seven

months trying to get them to come to refurbish the lake banks. So, we're kind of caught between a rock and a hard place.

Mr. Atkins: Why is my property the only access to the lake?

Mr. Brown: If we can talk to the golf course and get access to Lake 2 through the golf course, you're golden. If we can't, then we still have a responsibility to maintain the lake banks and if you don't allow us access to the lake banks, what's our recourse to restore the lake banks? I'm just throwing this out. I'm not trying to accuse anybody of anything.

Mr. Showe: I think, Rick, our recourse is that we have to find another access point. Between his property and the lake is our property. So, they just need to find a way onto that area through another access point.

Mr. Brown: Okay. That access is all preserve, right?

Mr. Showe: Or we will have to find another homeowner who is hopefully willing to let us have access.

Mr. Brown: Or ask St. John's to allow us to cut a pathway through?

Resident (Not Identified): We have the only access that would be allowed to our lake. In fact, it didn't need restoration like the front of our house hadn't been done before. They did come through and were very overwhelming. You're right. They put a trailer and brought a boat through there. It was very scary. However, when all was said and done, you can't tell that they went through there. It was all repaired the same way that they left it.

Mr. Atkins: When they drove through my yard, they drove within a foot of my water meter. They managed to drive over my sprinkler system. They drove over every major utility I have coming in and out of my house.

Mr. Brown: I totally agree. I couldn't agree with you more. That's not right and I apologize for that, but at the end of the day, we still need to be able to have access. If we can get ultimate access to that lake to restore the lake banks going forward, we will never bother you again.

Mr. Atkins: I had a conversation with Mr. Bill Anderson and according to him, they got permission to access the lake the next day from Birchington. They hauled one load of sod across my property and 15 loads across the property across the lake from me.

Mr. Viasalyers: Moving forward we will no longer be accessing his yard. We'll find another way.

Mr. Brown: I'm not trying to make a mountain out of a molehill. I'm sorry that we did that to your property.

Ms. Mills: Will you be working with William?

Mr. Viasalyers: Yeah. I want to find a day that works.

Mr. Mills: On behalf of the Board, I personally want to apologize. Thank you for coming to the meeting and bringing this up to us. It's always nice when a resident has concerns and issues. Hopefully we can make that easy for all of us.

Mr. Showe: We appreciate it. We've done this program for the last probably seven or eight years and this is the first time we've encountered that type of issue. So, again, we'll take the opportunity to refine our process and make it better for the entire community going forward.

Ms. Witcher: Is there anything else that we can do? Is that enough?

Mr. Atkins: Yes. Thank you.

Ms. Witcher: Thank you.

Mr. Mills: If by chance when your sprinklers come on, if you even notice any heads broken, please let him know.

Mr. Viasalyers: Yeah. We told him we're going to cover any costs for damage.

Mr. Mills: Okay.

Resident (Ron Atkins, Sandhurst Drive): Thanks.

Mr. Mills: You're welcome. Is there anything else from the audience? Alright.

- **Organizational Matters (Item 2)**
 - A. Review of Resumes/Letters of Interest for Board Vacancy**
 - B. Appointment of Individual to Fulfill the Board Vacancy with a Term Ending November 2022 (Seat #4)**

Mr. Mills: Then we'll go into Organizational Matters, reviewing the resumes and letters of interest for the Board vacancy. I have reviewed them. Hopefully everybody else has reviewed them.

Ms. Witcher: Is the other gentleman here that we didn't get to see during the workshop?

Mr. Mills: He is not.

Ms. Witcher: Is that Mr. Stuart Waldron?

Mr. Mills: Yes.

Mr. Brown: Well, Mr. Chairman, I looked at all the resumes. I appreciate at the last meeting where both Jan and Jeremy came to present their interest in becoming a member of the Board. I have to admit that I was the one that twisted somebody's arm to become a member of the Board, so I would be remiss if I did not make a motion to recommend Ms. Jan Hill to fill the vacancy that was left by the resignation of Mr. Darby.

Mr. Brown MOVED to appoint Ms. Jan Hill to fill the vacancy in Seat #4 with a term ending November 2022 and Mr. Bosseler seconded the motion.

Ms. Witcher: I think we should have new blood on the CDD Board. We have young families in here now. It's not a retirement community any longer. I want new people on the Board. We have rumblings in the community of having almost a revolt because they are saying that we've been on this Board too long and that we need to turn it over. There is no such thing as term limits because we have free elections. As an interim, we should have different people try to become a Board Member. When we have someone leave and we have one year left on a term, that would be an excellent way for people to try to be a CDD Supervisor. We welcome everyone to try. We don't want to do this forever. When there's nobody else running, you said, *"I should do it again,"* because literally, nobody is running. I'm waiting for somebody to show up that says they want to work on the CDD: Nobody comes. So, when we have three people here that say they want to do this, we need to encourage it and need to have a younger presence on the Board.

Mr. Brown: I could not agree with you more. However, I'm looking at it from the standpoint that, normally when we have a vacancy on the Board, it's like trying to find a needle in the haystack to find somebody who is willing to volunteer. We were very fortunate this time to find three willing people, residents, who want to be on the Board. I felt that Jan, because of her background, experience with the BCA and our continuing efforts to try to consolidate the relationship between the CDD Board and the BCA Board, would be that major fulcrum. It's only for one year. I said to Jeremy, *"There are three vacancies that are going to come due in November of 2022; mine, Carolyn's and Jan's, if we approve it. I would encourage you to go after one of us and you're not going to hurt my feelings or anybody else's."* Okay? I went to Jan based upon the history of what has happened in this community since I've lived here for the last 21 years. Nobody wants to get involved, but everybody is an expert on what we've done wrong. Okay? Jan and I have worked together. When I wanted to do the holiday lights, I went to Jan,

when she was the CFO or the finance director for the BCA. She was more than welcoming. As a result of her efforts at the BCA, we now have the holiday lights that I think everybody in this community really likes. Okay. So, that's where I'm coming from. I would encourage you to run and take my seat in 2022.

Ms. Witcher: Or mine.

Mr. Bosseler: You're not leaving. Mel, can I say something?

Mr. Mills: Yes, absolutely.

Mr. Bosseler: I've been in this community almost 20 years. I always thought that it would be a good steppingstone to do different things in the community. I was an assistant VM and then I was a VM. I was totally involved with BCA for maybe six years. Then I took a year or two off and got involved again. I felt that the knowledge that I gained from the BCA in learning how to deal with neighborhoods and people and stuff like that, really helped me when I got on this Board. This isn't the top spot in the community, but there is a learning curve that it can help you work through the BCA. So, I would encourage you, if you don't get nominated, to become a VM.

Resident (Jeremy Tippey, Balmoral Way): Would you consider, since we have two volunteers, adding a CDD member-in-training? I know volunteers are very hard to get.

Mr. Mills: We can't do that.

Mr. Showe: No, the Florida Statutes requires a five-member Board only.

Mr. Brown: If you want to become the head of the ARC Committee, I will resign my position as head of the ARC Committee.

Mr. Mills: Jeremy, if you're not appointed tonight, you could help each and every one of us on the side as a learning experience. I can't get with Carolyn and she can't get with me because of the Sunshine Law, but I can have a resident work with me. You can work with Carolyn, you can work with Richard and you can work with Rick.

Ms. Witcher: But you can't talk to us about what you've heard Mel say. You can't say that to us.

Mr. Mills: He can't be a mediator?

Ms. Witcher: You can't be an intermediator.

Mr. Jeremy Tippey (Balmoral Way): That's kind of what my question was. It doesn't have to be an official position, but somebody who wanted to volunteer and work with and shadow somebody.

Mr. Showe: I will say, to your point, if somebody wants to do that, it's easier if one Board Member does it for that very reason of acting as a conduit.

Mr. Pawelczyk: This individual would work with one person for a couple of months and then go to the next person. You can do that, but that's purely volunteering on both sides.

Mr. Showe: Correct.

Mr. Bosseler: Actually, I did that when we had the Kingswood Way landscaping issue. I worked with Mel when I wasn't on the Board. Mel and I worked together for several months. That's a good idea.

Mr. Tippey: I just hate to see somebody who wanted to volunteer because you don't know if next year has problems.

Mr. Brown: I agree. Where I'm coming from is I twisted somebody's arm rather tightly only because my history is nobody wants to be on this Board because everybody takes pot shots saying, "*You did the wrong thing.*" It's never been really positive. Jan has had experience being on the BCA Board, which has pretty the same symmetry. Everybody says, "*You should have done this, you should have done that,*" but when you ask them to volunteer they say, "*No, I'm too busy.*" So, I feel I need to bring that full circle.

Ms. Witcher: What's the procedure?

Mr. Showe: Well, there's a motion and a second on the floor to appoint Ms. Jan Hill to the vacancy on the Board. If there's no other discussion, we'll call for a vote.

Mr. Mills: It's not over yet because I have to say something.

Ms. Witcher: Okay.

Mr. Mills: Carolyn, if you really feel the way you do, and I don't disagree with you, I would be the first one to tell you that any good Board should have a mix of young, middle age and older that are seasoned. I've done that in every Board that I've ever served on. I agree with that 100%. With regard to an uproar about all of us being old and on this Board, I'm probably the oldest one sitting here. If you want me to resign and put Jeremy in my seat, I will definitely consider it, but it's a hell of a lot of work.

Ms. Witcher: It is and we've all been switching until the last time we stopped switching, that everybody took their term being President.

Mr. Showe: Chair.

Ms. Witcher: So, I would like for you, at this time, let one of the two gentlemen over here serve as Chairman.

Mr. Mills: I have nothing to do with it, Carolyn.

Ms. Witcher: I know that.

Mr. Mills: It's the Board, not me.

Ms. Witcher: I know that. I didn't say that. I said to let one of the other gentlemen be Chair.

Mr. Mills: We're not talking about that now. There's a motion on the floor. We need to vote on the motion.

On VOICE VOTE with Mr. Bosseler, Mr. Mills and Mr. Brown in favor and Ms. Witcher dissenting, appointing Ms. Jan Hill to fill the vacancy in Seat #4 with a term ending November 2022 was approved. (Motion Passed 3-1)

C. Administration of Oath of Office to Newly Elected Supervisor

Mr. Showe, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Jan Hill.

Mr. Showe: I will quickly go through this package with you. The first is an information form.

Ms. Hill: I've done this. I've been on another Board.

Mr. Showe: Perfect.

Ms. Hill: So, I'm familiar with that.

Mr. Showe: The next one is just for your information. Please fill it out so we have your contact information. Primarily what we like to do is to send everything through email. So just provide your name, address and email. Behind that are two Form 1s. These go to Brevard County when you fill them out. If you've already filled them out before, you just need to let them know that you're on the Baytree CDD Board. Correct?

Mr. Pawelczyk: Yes. If you already filled out Form 1, the next one you fill out will be for next year. You're required to complete that form before January 1st.

Mr. Showe: Right.

Mr. Pawelczyk: No. 30 days from today, sorry. So, January 1st, you can complete a new form. It should be posted. I would wait for the new Form 1 and then put both of your offices on that new one during that first week of January.

Ms. Hill: I'm on the Board for the City of Melbourne, but theirs runs on their fiscal year. So, we have to do that before July 1st.

Mr. Pawelczyk: Correct. It's still due on July 1st, but if you were to file your Form 1 for the City of Melbourne and the Baytree CDD, you would be in compliance for this upcoming year.

Mr. Showe: Correct.

Ms. Hill: Oh Okay.

Mr. Pawelczyk: That way you don't have to fill out two forms.

Mr. Showe: Behind that we include a Final Form 1F. You don't need to do anything with that now.

Mr. Pawelczyk: Jan, I will talk with you after the meeting, just so we don't waste too much time.

Mr. Showe: In the event that you leave the Board, the Final Form 1F has to be completed within 60 days. We will send that to you so you can have that for your file. As a Board Member, you are eligible to receive up to \$200 per meeting. So, if you choose to accept that compensation, we provided you with a W-4 and I-9 form. We just need those completed with all the backup. Most importantly is the Florida Commission on Ethics. This is a good reminder for all of the Board Members as we head into the new year with the governmental Sunshine and Code of Ethics. As a newly elected Board Member, you are now a public official and you're not permitted to speak to other members of the Baytree CDD Board about things that would reasonably come up for a vote of the CDD Board. That includes emails, texts and social media. That's a big thing that we are having to remind people to watch. We always typically recommend setting up a separate email just for the CDD. If you give that to us, we will direct all of your items there. That way if there is a public records request, you have all of your CDD items in one place. You don't have personal items intermingled. Other folks will choose just to create a folder that says, "CDD," and you can just move all your CDD emails into there as well. Additionally, you're not required to keep any records of the meetings. If you choose to keep records of the meetings, we recommend you keep those in a separate file for the same reason. That way your personal files

aren't intermingled. But it's our job as the District Manager to be the recordkeeper, so you're not required to keep anything. Again, social media is a big thing, so you have to really watch if you're posting on social media, *Nextdoor* especially. It's easy to inadvertently start conversations that might involve other Board Members, so we encourage you to watch that.

Mr. Pawelczyk: If it is CDD related, it is a public record and you are obligated to maintain that public record. So, Jason's point is, don't comment on social media about CDD business.

Mr. Showe: Correct.

Mr. Pawelczyk: Because I would say 99.9% of what people post on *Nextdoor* is wrong.

Mr. Showe: You might be under-selling that.

Mr. Pawelczyk: Sometimes it's a good source for Board Members to look at and say, "*Oh Yeah, maybe I need to bring this up to Jason because there's a post sticking out of the ground at Bradwick,*" or something like that. So, you could say, "*Oh Jason, I saw this on social media, please take care of it.*" Boom, done. But if you post it and say, "*I'll take care of it,*" then it's a public record and you have a duty to maintain it. It is not easy to maintain those other than by screenshot. Then there's the argument that you're not maintaining it in the format that it was created in.

Mr. Showe: Moderators can delete things.

Mr. Pawelczyk: Just stay off of *Nextdoor*.

Mr. Showe: Also, you'll see when you get emails from us that include other Board Members, there's always a reminder at the bottom that says, "*Please do not reply to all.*" It's easy to inadvertently hit, "*Reply to all*" and you might start a conversation. So, I think that covers the basics. Obviously, Mike and I are here, if you ever have questions. There's a form that's not in there, but if you ever need it, there's a Conflict-of-Interest Form. If you ever feel like you have a conflict on something you would vote for that comes up for the Board, there are very specific items that are listed as a conflict of interest. So, if you're not sure, just ask Mike or I and we can walk you through if it actually is a conflict of interest or not. If there is, there's a form you need to fill out and we use that to disclose that as part of that vote.

Mr. Pawelczyk: Essentially, your conflicts are voting conflicts and prohibited conflicts. Voting conflicts would be more of, if your son's brother-in-law's wife's sister owns the landscape company. It's probably not a conflict, but you should say, "*I should ask the attorney to get an*

opinion,” because by asking the attorney and me giving you an answer, even if I'm wrong, you're protected. So, that's why you ask us, and those are the embedded requirements of our officers and directors liability insurance. That's why these Boards are set up the way they are. I think you know that already. The only way you cannot vote on an item is if you stand to gain or lose financially as a result of your vote, which is very rarely ever going to happen in a CDD world, but it could. So, if you feel that you could gain or lose financially, like if we are putting a dock outside of your house and you live on a lake and you then rent that dock somehow through an easement and you're going to financially gain as a result of this new dock, which wouldn't be approved by the ARC, I don't think, that could be one of those items you couldn't vote on. So, it's best just to ask and we'll get an answer for you.

Mr. Showe: If you have any questions, obviously Mike and I are always here to help.

Mr. Mills: Welcome, Jan.

Ms. Hill: Thank you.

Mr. Showe: You are now officially part of the Board.

D. Consideration of Resolution 2021-02 Electing Officers

Mr. Showe: You heard that the Vice Chairman is no longer with us, so we would like to have a new election of officers. Typically, the Board will appoint or internally poll who you would like to be your Chair and Vice Chairman. Then we can fill in the rest of those positions. We would ask that I get appointed Treasurer as I was before, Katie Costa in our office appointed Assistant Treasurer, George Flint as secretary and myself as Assistant Secretary for purposes of getting documents, signing checks, those day-to-day items of the Board. Other than that, typically, we have the Board fill in a Chair and Vice Chairman and then all the other Board Members will fall in as Assistant Secretaries. So, we can open up this up for any discussion on how you would like to fill the Chair and Vice Chairman roles.

Mr. Brown: I nominate Mr. Mel Mills to be Chairman.

Mr. Bosseler: I second the nomination

On MOTION by Mr. Brown seconded by Mr. Bosseler with all in favor and Mr. Mills abstaining, electing Mel Mills as Chairman was approved. (Motion Passed 4-1)
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Mr. Showe: Is there a nomination for Vice Chair?

Mr. Bosseler: I would like to nominate Mr. Rick Brown.

Mr. Showe: Are there any other nominations for Vice Chair?

Mr. Mills: I second the nomination.

Mr. Showe: If there are no other nominations, I'll just read the resolution in and you can approve it as read. At this point, we would look for a motion to adopt Resolution 2022-02 with Mr. Mills as Chairman, Mr. Brown as Vice Chairman, Mr. Jason Showe as Treasurer and Assistant Treasurer, Ms. Katie Costa, as Assistant Treasurer, Mr. George Clint as Secretary, Ms. Witcher, Mr. Bosseler and Ms. Hill as Assistant Secretaries.

On MOTION by Mr. Bosseler seconded by Mr. Brown with all in favor electing Mr. Melvin Mills as Chairman, Mr. Richard Brown as Vice Chairman, Mr. Jason Showe as Treasurer and Assistant Treasurer, Ms. Katie Costa, as Assistant Treasurer, Mr. George Flint as Secretary and Ms. Carolyn Witcher, Mr. Richard Bosseler and Ms. Janice Hill as Assistant Secretaries as evidenced by the adoption of Resolution 2022-02 Electing Officers as stated was approved.

E. Discussion of Board Member Responsibilities

Mr. Showe: Obviously, with the new Board Member in place, I thought it would be a good time to have discussion on Board Members areas of responsibility. I think the area that was open, that Jerry was doing before was finances. So, we can take any direction from the Board.

Mr. Brown: Is it finance and roads?

Mr. Jerry Darby: Finance and roads.

Mr. Mills: How do you feel about that, Jan?

Ms. Hill: My background is in finance.

Mr. Mills: How about roads? You were on the Board for the City of Melbourne. You have a pretty good knowledge about that. Right?

Mr. Showe: You've got an engineer. We're not expecting you to go out and rebuild or resurface the roads.

Ms. Hill: I can do that.

Mr. Showe: Alright. If that's the direction of the Board, that's all we have for the organizational matters. If there's no other comments from the Board, we can take a motion to adjourn.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bosseler seconded by Mr. Brown with all in favor the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman